

Spina, Providence

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Friday, December 21, 2018 1:15 PM
To: Spina, Providence
Cc: Burke, Shaun
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company
Attachments: ATT00001.txt

Categories: Record Saved - Private

Thank you. Happy Holidays to both of you.



Gary I. Rubin

Partner

D 202.898.5830 | GRubin@Hollingsworthllp.com
1350 I Street NW | Washington, DC 20005
www.hollingsworthllp.com

From: Spina, Providence [mailto:Spina.Providence@epa.gov]
Sent: Friday, December 21, 2018 1:12 PM
To: Rubin, Gary I.
Cc: Burke, Shaun
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Mr. Rubin,

Thank you for your call today. As we discussed, we will schedule a time to talk about Ex. 7(A) - Enforcement Sensitive

We'll be back in touch in January. Happy holidays.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Thursday, December 20, 2018 2:23 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Thank you.

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Thursday, December 20, 2018 2:23 PM
To: Rubin, Gary I.
Cc: Burke, Shaun
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Mr. Rubin,

Attached is the fully executed tolling agreement.

Best,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Wednesday, December 19, 2018 11:08 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

[Attached is the executed tolling agreement.](#)

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Wednesday, December 19, 2018 10:26 AM
To: Rubin, Gary I.
Cc: Burke, Shaun
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Many thanks. Please send over a scanned PDF of the agreement once it is signed. I'll take care of signatures here and send back the fully executed document.

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Wednesday, December 19, 2018 10:09 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: Re: Proposed Clean Air Act Consent Agreement - Lexington Container Company

We will be executing the tolling agreement.

On Dec 19, 2018, at 9:07 AM, Spina, Providence <Spina.Providence@epa.gov> wrote:

Mr. Rubin,
I am writing to firm up our plans to speak on Friday. Have you had a chance to speak with your client yet?
I'm in the office all day – please give me a call if it would be easier to touch base by phone.
Best,
Providence

Providence Spina
202-564-2722

From: Spina, Providence
Sent: Friday, December 14, 2018 2:52 PM
To: 'Rubin, Gary I.' <GRubin@Hollingsworthllp.com>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Mr. Rubin,

Many thanks for this response. I can hold both of those Friday time slots, but let's circle back once you have had a chance to speak with your client about the consent agreement and tolling agreement, and we have a sense of the scope of issues that need to be discussed. We can decide at that point whether to meet in person or to talk by phone.

I look forward to hearing from you early next week. Have a wonderful weekend.

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Friday, December 14, 2018 11:26 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Burke, Shaun <Burke.Shaun@epa.gov>
Subject: RE: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Ms. Spina/Mr. Burke:

Thank you for sending the documents. I have not yet been able to reach my client, but I expect to do so in the next day or two. I will let you know about the tolling agreement as soon as I have spoken with the client. As to meeting or a call next week, and I am always willing to have an in-person meeting if that is better, I can set it tentatively for Friday, December 21st at 11:00 or 1:00, if either of those times works for you.

Regards,
Gary Rubin

<image001.jpg>

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Wednesday, December 12, 2018 3:00 PM
To: Rubin, Gary I.
Cc: Burke, Shaun
Subject: Proposed Clean Air Act Consent Agreement - Lexington Container Company

Confidential - For Settlement Purposes Only

Not Admissible Pursuant to FRE 408

Mr. Rubin:

I am writing to follow up on our conversation today and also our previous conversations regarding an administrative resolution of Lexington Container Company's violations of 40 C.F.R. Part 59, Subpart F, Control of Evaporative Emissions from New and In-Use Portable Fuel Containers ("Subpart F"). The EPA proposes to resolve these violations through an administrative enforcement proceeding by filing a Consent Agreement and Final Order ("CAFO") with the Environmental Appeals Board. Attached is a draft CAFO for your review and consideration – it provides for a payment of ^{Ex. 4; Ex. 7(A)} to resolve Lexington Container Company's liability for civil penalties for the Subpart F violations described in the agreement. Also, as discussed on our call, I have attached a proposed tolling agreement.

I would appreciate knowing, by the end of this week if possible, whether Lexington Container Company is willing to enter into the proposed tolling agreement. Also, we would like to schedule a call next week to discuss the CAFO and next steps for resolving this matter. Please let us know if there is a good time next week for us to set up that call.

Regards,

Providence Spina, Attorney-Advisor
U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
1200 Pennsylvania Ave. NW, Mail Code 2242A
Washington, D.C. 20460 mail or 20004 courier
Ph: 202-564-2722

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